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5 *Counsel for Plaintiff, Robert K. Walls*

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7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 ROBERT K. WALLS, individually, ) Case No.: **'16CV0242 WQHJLB**  
12 )  
Plaintiff(s), ) **COMPLAINT FOR DAMAGES AND**  
13 vs. ) **INJUNCTIVE RELIEF FROM**  
14 UNIRADIO CORP., a California ) **COPYRIGHT INFRINGEMENT**  
Corporation, ) **DEMAND FOR JURY TRIAL**  
15 )  
16 )  
Defendant(s). )  
17 )  
18 )  
19 )

20 Plaintiff Robert K. Walls, an individual, for his Complaint against Uniradio Corp., a  
21 California Corporation, Defendant, alleges as follows:  
22

23 **INTRODUCTION**

24 1. Robert K. Walls (hereinafter "Plaintiff"), by counsel, brings this action  
25 to challenge the actions of Uniradio Corp. (hereinafter "Defendant"), with regard to  
26 the unlawful use of a copyrighted image (hereinafter "Image") owned by Plaintiff,  
27 and this conduct caused Plaintiff damages.  
28

1           2.     For the purposes of this Complaint for Damages, unless otherwise  
2 indicated, “Defendant” includes all agents, employees, officers, members, directors,  
3 heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives  
4 and insurers of Defendant(s) named in this caption.  
5

6                                   **JURISDICTION AND VENUE**

7           3.     This is a civil action seeking damages and injunction relief for  
8 copyright infringement under the Copyright Act of the United States, 17 U.S.C. §  
9 101, whereby the defendant violated plaintiff’s exclusive rights as copyright owner  
10 pursuant to 17 U.S.C. § 106.  
11

12           4.     This Court has subject matter jurisdiction over Plaintiff’s claims for  
13 copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).  
14

15           5.     This Court has personal jurisdiction over Defendant because Defendant  
16 is a business entity incorporated in the State of California, Defendant’s principal  
17 place of business is in the State of California, Defendant’s acts of infringement  
18 complained of herein occurred in the State of California, and Defendant has caused  
19 injury to Plaintiff in his intellectual property within the State of California.  
20

21           6.     Venue is proper pursuant to 28 U.S.C. § 1391(b) because the Defendant  
22 resides in this judicial district and a substantial part of the events giving rise to  
23 Plaintiff’s claim occurred in this judicial district.  
24

25           7.     Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b)  
26 because the Defendant resides, committed the acts of infringement, and has a regular  
27  
28

1 and established place of business in this judicial district.

2 **PARTIES**

3 8. Plaintiff is a natural person who resides in the Town of South Hobart, in  
4 the Nation of Australia, and is a professional photographer by trade.  
5

6 9. Plaintiff is a “copyright owner” who holds “exclusive rights” to his  
7 “copyrighted work[s]” pursuant to 17 U.S.C. §§ 101, 106, and 106A.  
8

9 10. Plaintiff is informed and believes, and thereon alleges, that Defendant is  
10 a business entity residing in the City of San Diego, in the State of California, and  
11 conducted business within the City of San Diego, in the State of California.  
12

13 11. Plaintiff is informed and believes, and thereon alleges, that Defendant is  
14 a business entity that unlawfully published Plaintiff’s copyrighted works without  
15 Plaintiff’s express or implied authority, by the method of a license.  
16

17 **FACTUAL ALLEGATIONS**

18 12. At all times relevant, Plaintiff was an individual residing within the  
19 Town of South Hobart, in the Nation of Australia.  
20

21 13. Plaintiff is informed and believes, and thereon alleges, that at all times  
22 relevant, Defendant was a business entity residing in the City of San Diego, in the  
23 State of California, and conducted business in the State of California and in this  
24 judicial district.  
25

26 14. Plaintiff is a professional photographer. He photographs various objects  
27 and sells or licenses them to people and companies seeking to make use of the  
28

1 photographs for display, advertisements, and pecuniary gain. Plaintiff's livelihood is  
2 dependent on receiving compensation for the photographs he produces.

3 15. Plaintiff took the original Image; *see* Original Image attached hereto as  
4 Exhibit 1.  
5

6 16. Plaintiff has ownership and copyrights to the Image.

7 17. Plaintiff has registered the Image with the United States Copyright  
8 Office under registration number VA 1-789-507.  
9

10 18. Plaintiff did not consent to authorize, permit, allow in any manner the  
11 use of the Images by Defendant.  
12

13 19. Plaintiff is informed and believes that Defendant willfully used  
14 Plaintiff's copyrighted works without his permission and that it published,  
15 communicated, benefited through, posted, publicized and otherwise held out to the  
16 public for commercial benefit, the original and unique work of Plaintiff without  
17 Plaintiff's consent or authority, and acquired monetary gain and market benefit as a  
18 result.  
19  
20

21 20. Plaintiff is informed and believes that Defendant used the Image on its  
22 business websites from March 11, 2015 to the present; *see* Screenshots of  
23 Defendant's use of the Image attached hereto as Exhibit 2.  
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25 21. Defendant willfully uses the Image to promote the Defendant's business  
26 despite its knowledge that the Image is subject to copyright.  
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28 22. Plaintiff did not consent to the use of his Image for commercial gain.

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1 infringement of his copyright pursuant to 17 U.S.C. § 502.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant

- 4
- 5 • Awarding statutory damages in an amount up to \$150,000.00 for each
  - 6 infringement pursuant to 17 U.S.C. § 504(c) from Defendant;
  - 7
  - 8 • Awarding costs of litigation and reasonable attorney's fees, pursuant to 17
  - 9 U.S.C. § 505 from Defendant;
  - 10
  - 11 • Enjoining the Defendant from further infringement of all copyrighted works of
  - 12 the Plaintiff pursuant to 17 U.S.C. § 502; and
  - 13
  - 14 • Awarding any other relief the Court deems just and proper.

15 Dated: January 29, 2016

16 Respectfully submitted,

17

18 /s/ Naomi M. Sarega, Esq.  
19 Naomi M. Sarega, Esq.  
20 Cal. Bar No. 306967  
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Dated: January 29, 2016

/s/ Naomi M. Sarega, Esq.  
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